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Allstar Marketing Group, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALLSTAR MARKETING GROUP, LLC,

Plaintiff

v.

WARM YOUR HOUSE STORE, AA MARKET STORE, AB35 STORE, AJ29 STORE, ALHOMES\$GLODCISTERN STORE, ATTRACTION FOR YOU STORE, BALMY WIND STORE, BESTHOMEFURNITURE STORE, BETTERHOUSE STORE, BTMETER OFFICIAL STORE, CCCMART STORE, CHARACTERISTIC LIFE STORE, CHARLOTTET'S STORE, CITY OF DAILY NECESSITIES STORE, CO TECH STORE, COMPUTER OFFICE OVERSEA STORE, CONVENIENT 666 STORE, DAILY COMFORT LIVING STORE, DONGGUAN BLUE SHARK TECHNOLOGY CO., LIMITED, DROPSHIPPING TO WHOLE WORLD STORE, DRY HOUSEWARE STORE, E2SHOPPING STORE, EMBELLISH NEW LIFE STORE, FANHUI STORE, FOR GOOD THINGS STORE, FOR YOUR B-ETTER LIFE STORE, FOREWAN DIYCRAFT STORE, FUNNY GIFTS STORE, GARDON STORE STORE, GLOBAL 3C TECH STORE, GLOBAL PROFESSIONAL TOOL STORE, GOOD LIFESTYLE STORE, HANGZHOU JUKINGS TECH CO., LTD., HIGH GRADE 3CMART STORE, HOMESERVICE STORE, HOMO DROPSHIP STORE, HOUSE GOODHAND STORE,

Civil Case No.:

PAC

~~[PROPOSED]~~

1) TEMPORARY
RESTRAINING ORDER; 2)
ORDER RESTRAINING
MERCHANT STOREFRONTS
AND DEFENDANTS' ASSETS
WITH THE FINANCIAL
INSTITUTIONS; 3) ORDER TO
SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE; 4)
ORDER AUTHORIZING
BIFURCATED AND
ALTERNATIVE SERVICE;
AND 5) ORDER
AUTHORIZING EXPEDITED
DISCOVERY

FILED UNDER SEAL

HOUSEHOLDTOOLS GROCERIES STORE,
HUIYU FACTORY STORE, I FOUND YOU
STORE, INFINITE VOICE STORE, INSTRUMENT
TECH STORE, JA JIAKDFALIYUN STORE,
JIANDE HUNLEE ELECTRICAL APPLIANCE
CO., LTD., KALAXHOME STORE, K-E-Y TO
YOUR H-E-A-R-TE STORE, LA FAVORITA
FLAGSHIP STORE, LBFAMILY STORE, LINHAI
ZHONGQI OPTO-ELECTRICAL TECHNOLOGY
CO., LTD., LITTLE EXPERT STORE,
LOVELYPUPPY STORE, LUCKLY HOUSE
STORE, LUMIPARTY FACTORY STORE,
LUMIPARTY OFFICIAL STORE, MAGICIAN 3C
STORE, MAY RECORDS STORE, MOONLIGHT
DROPSHIPPING STORE, MYRIANN OFFICIAL
STORE, NO. 19 MASK STORE, ONETREE STORE,
PROFESSIONAL TOOL CENTER STORE,
ROMANTIC ALL HOUSE STORE, ROMANTIC
FULL IN HOME, SAFE LIFE STORE, SECURITY
PROTECT ONLINE STORE, SHANMAMMY
DROPSHIP STORE, SHENZHEN CLICKS
TECHNOLOGY CO., LTD., SHOP1266133 STORE,
SHOP4917095 STORE, SHOP5250048 STORE,
SHOP5440035 STORE, SHOP5522046 STORE,
SHOP5788919 STORE, SHOP910453068 STORE,
SIX STARS PRODUCTS STORE, SMARTLIVES
STORE, SNEWVIE LED LIGHTING YOUR LIFE
STORE, SURPRISE LIFE STORE, SWOVO
DIYCRAFT STORE, SZWKY HOUSEHOLDS
STORE, TOOLS DIRECT STORE, TOP1 PHONE
STORE, TOPLEO STORE, TRENDY CASUAL
CLOTHINGS STORE, TT PINK LIFE STORE,
TTMART STORE, WELCOME OVERSEA STORE,
WORTH WATCHING STORE, YIDIAN OF GRASS
STORE. YOCOMYLY 511511 STORE, YOUR
DAILY 3CMART STORE, YOUR HAPPINESS
HOUSE STORE and YOYOHOME STORE,

Defendants

GLOSSARY

<u>Term</u>	<u>Definition</u>
Plaintiff or Allstar	Allstar Marketing Group, LLC
Defendants	<p>*Warm Your House* Store, AA MARKET Store, AB35 Store, AJ29 Store, ALHOMES\$GLODCISTERN Store, Attraction For You Store, Balmy Wind Store, BestHomefurniture Store, Betterhouse Store, BTMETER Official Store, CCCMart Store, Characteristic Life Store, CharlotteT's Store, City of Daily Necessities Store, CO Tech Store, Computer Office Oversea Store, Convenient 666 Store, Daily Comfort Living Store, Dongguan Blue Shark Technology Co., Limited, DropShipping To Whole World Store, Dry Houseware Store, e2shopping Store, Embellish New Life Store, FANHHUI Store, For good things Store, For Your B-etter Life Store, ForeWan DiyCraft Store, Funny Gifts Store, Gardon store Store, Global 3C Tech Store, Global Professional Tool Store, Good Lifestyle Store, Hangzhou Jukings Tech Co., LTD., High Grade 3CMart Store, HomeService Store, HOMO dropship Store, House Goodhand Store, HouseholdTools groceries Store, HUIYU Factory Store, i found you Store, Infinite Voice Store, Instrument Tech Store, JA jlakdfaliyun Store, Jiande Hunlee Electrical Appliance Co., Ltd., kalaxhome Store, K-e-y to your h-e-a-r-te Store, La Favorita Flagship Store, LBFamily Store, Linhai Zhongqi Opto-Electrical Technology Co., Ltd., Little expert Store, Lovelypuppy Store, Luckily House Store, LumiParty Factory Store, LumiParty Official Store, Magician 3c Store, May Records Store, Moonlight Dropshipping Store, MYRIANN Official Store, No. 19 Mask Store, OneTree Store, Professional Tool Center Store, Romantic All House Store, Romantic full in Home, Safe Life Store, Security Protect Online Store, Shanmammy dropship Store, Shenzhen Clicks Technology Co., Ltd., Shop1266133 Store, Shop4917095 Store, Shop5250048 Store, Shop5440035 Store, Shop5522046 Store, Shop5788919 Store, Shop910453068 Store, Six Stars Products Store, Smartlives Store, SNEWVIE LED Lighting Your Life Store, Surprise Life Store, Swovo DIYCraft Store, Szwky Households Store, Tools Direct Store, Top1 Phone Store, Topleo Store, trendy casual clothings Store, TT Pink Life Store, TTMart Store, Welcome Oversea Store, Worth Watching Store, YIDIAN OF GRASS Store. YOCOMYLY 511511 Store, Your Daily 3CMart Store, Your Happiness</p>

	House Store and YOYOHOME Store
Alibaba	Alibaba.com, an online marketplace platform that allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York
AliExpress	Aliexpress.com, an online marketplace platform that allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York
Epstein Drangel	Epstein Drangel LLP, counsel for Plaintiff
New York Address	244 Madison Ave, Suite 411, New York, New York 10016
Complaint	Plaintiff's Complaint filed on October 8, 2020
Application	Plaintiff's <i>Ex Parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on October 8, 2020
De Marco Dec.	Declaration of Jennifer De Marco in Support of Plaintiff's Application
Yamali Dec.	Declaration of Danielle S. Yamali in Support of Plaintiff's Application
Socket Shelf Mark	U.S. Trademark Registration No. 6,153,908 for "SOCKET SHELF" for electronic docking station and charging station for electronic devices in Class 9
Socket Shelf Works	U.S. Copyright Reg. Nos.: PAu 4-030-375 covering the Socket Shelf Commercial, VAu 1-365-330 covering the Socket Shelf Deluxe Packaging, VAu 1-402-004 covering the Socket Shelf Instruction Manual, VAu 1-347-375 covering the Socket Shelf Packaging, VA 2-135-992 covering the Socket Shelf Website and VAu 1-365-333 covering the Socket Shelf Packaging
Socket Shelf Product	A unique surge protector device that provides six (6) power outlets and adds two (2) USB charging stations and a shelf to most three-prong outlets
Counterfeit Products	Products bearing or used in connection with the Socket Shelf Mark and/or Socket Shelf Works, and/or products in packaging and/or containing labels and/or hang tags bearing the Socket Shelf Mark and/or Socket Shelf

	Works, and/or bearing or used in connection with marks and/or artwork that are confusingly or substantially similar to the Socket Shelf Mark and/or Socket Shelf Works and/or products that are identical or confusingly or substantially similar to the Socket Shelf Product
Infringing Listings	Defendants' listings for Counterfeit Products
User Accounts	Any and all websites and any and all accounts with online marketplace platforms such as Alibaba, AliExpress, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Merchant Storefronts	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)
Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)
Financial Institutions	Any banks, financial institutions, credit card companies and payment processing agencies, such as PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), the Alibaba Group d/b/a Alibaba.com payment services (e.g., Alipay.com Co., Ltd., Ant Financial Services Group), PingPong Global Solutions, Inc. ("PingPong") and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants
Third Party Service Providers	Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly by Alibaba, AliExpress, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise

	deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise
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On this day, the Court considered Plaintiff's *ex parte* application for the following: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery against Defendants, Third Party Service Providers and Financial Institutions in light of Defendants' intentional and willful offerings for sale and/or sales of Counterfeit Products.¹ A complete list of Defendants is attached hereto as **Schedule A**, which also includes links to Defendants' Merchant Storefronts and Infringing Listings. Having reviewed the Application, Declarations of Jennifer De Marco and Danielle S. Yamali, along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

FACTUAL FINDINGS & CONCLUSIONS OF LAW

1. Plaintiff is a leading developer, producer, marketer, and distributor of quality, innovative consumer products that Plaintiff promotes and sells throughout the United States and the world through major retailers and well-known mass retail outlets, including, but not limited to: Wal-Mart, Target and Bed Bath & Beyond, as well as through its retail customers' websites and a network of international distributors, among other channels of trade.

2. One of Plaintiff's most popular and successful products is Socket Shelf, a unique surge protector device that provides six (6) power outlets and adds two (2) USB charging stations and a shelf to most three-prong outlets.

¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Complaint, Application or Glossary.

3. While Plaintiff has gained significant common law trademark and other rights in its Socket Shelf, through use, advertising and promotion, Plaintiff has also protected its valuable rights by filing for and obtaining a federal trademark registration.

4. For example, Plaintiff owns the Socket Shelf Mark, including U.S. Trademark Registration 6,153,908 for “SOCKET SHELF” for electronic docking station and charging station for electronic devices in Class 9.

5. The Socket Shelf Mark is currently in use in commerce in connection with the Socket Shelf Product.

6. In addition, Plaintiff also owns the registered copyrights related to the Socket Shelf Product. For example, Plaintiff owns the Socket Shelf Works, including U.S. Copyright Reg. Nos.: PAu 4-030-375 covering the Socket Shelf Commercial, VAu 1-365-330 covering the Socket Shelf Deluxe Packaging, VAu 1-402-004 covering the Socket Shelf Instruction Manual, VAu 1-347-375 covering the Socket Shelf Packaging, VA 2-135-992 covering the Socket Shelf Website and VAu 1-365-333 covering the Socket Shelf Packaging.

7. Defendants are manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale or Counterfeit Product through Defendants’ User Accounts and Merchant Storefronts with Alibaba and AliExpress (*see* **Schedule A** for links to Defendants’ Merchant Storefronts and Infringing Listings);

8. Alibaba and AliExpress are online marketplace and e-commerce platforms that allow manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale and/or sell in what it characterizes as either auction-style or fixed-price formats and ship their retail products originating from China, among other locations, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York;

9. Defendants are not, nor have they ever been, authorized distributors or licensees of the Socket Shelf Product. Neither Plaintiff, nor any of Plaintiff’s authorized agents, have

consented to Defendants' use of the Socket Shelf Works and/or Socket Shelf Mark, nor has Plaintiff consented to Defendants' use of marks and/or artwork that are confusingly and/or substantially similar to, identical to and constitute a counterfeiting or infringement of the Socket Shelf Works and/or Socket Shelf Mark;

10. Plaintiff is likely to prevail on its Lanham Act, copyright and related common law claims at trial;

11. As a result of Defendants' infringements, Plaintiff, as well as consumers, are likely to suffer immediate and irreparable losses, damages and injuries before Defendants can be heard in opposition, unless Plaintiff's Application for *ex parte* relief is granted:

- a. Defendants have offered for sale and sold substandard Counterfeit Products that infringe the Socket Shelf Works and/or Socket Shelf Mark;
- b. Plaintiff has well-founded fears that more Counterfeit Products will appear in the marketplace; that consumers may be misled, confused and disappointed by the quality of these Counterfeit Products, resulting in injury to Plaintiff's reputation and goodwill; and that Plaintiff may suffer loss of sales for its Socket Shelf Product; and
- c. Plaintiff has well-founded fears that if it proceeds on notice to Defendants on this Application, Defendants will: (i) secret, conceal, destroy, alter, sell-off, transfer or otherwise dispose of or deal with Counterfeit Products or other goods that infringe the Socket Shelf Works and/or Socket Shelf Mark, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (ii) inform their suppliers and others of Plaintiff's claims with the result being that those suppliers and others may also secret, conceal, sell-off or otherwise dispose of Counterfeit Products or other goods infringing the Socket Shelf Works and/or Socket Shelf Mark, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their

possession or under their control, (iii) secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from its sales of Counterfeit Products or other goods infringing the Socket Shelf Works and/or Socket Shelf Mark and records relating thereto that are in their possession or under their control and/or (iv) open new User Accounts and Merchant Storefront under new or different names and continue to offer for sale and sell Counterfeit Products with little to no consequence;

12. The balance of potential harm to Defendants of being prevented from continuing to profit from their illegal and infringing activities if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its business, the goodwill and reputation built up in and associated with the Socket Shelf Works and/or Socket Shelf Mark and to its reputations if a temporary restraining order is not issued;

13. Public interest favors issuance of the temporary restraining order in order to protect Plaintiff's interests in and to its Socket Shelf Works and/or Socket Shelf Mark, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Counterfeit Products as Socket Shelf Product;

14. Plaintiff has not publicized its request for a temporary restraining order in any way;

15. Service on Defendants via electronic means is reasonably calculated to result in proper notice to Defendants.

16. If Defendants are given notice of the Application, they are likely to secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from their sales of Counterfeit Products or other goods infringing the Socket Shelf Works and/or Socket Shelf Mark. Therefore, good cause exists for granting Plaintiff's request for an asset restraining order. It typically takes the Financial Institutions a minimum of five (5) days after service of the Order to locate, attach and freeze Defendants' Assets and/or Defendants' Financial Accounts and it is anticipated that it will take the Third Party Service Providers a minimum of five (5) days to freeze Defendants' Merchant

Storefronts. As such, the Court allows enough time for Plaintiff to serve the Financial Institutions and Third Party Service Providers with this Order, and for the Financial Institutions and Third Party Service Providers to comply with the Paragraphs I(B)(1) through I(B)(2) and I(C)(1) of this Order, respectively, before requiring service on Defendants.

17. Similarly, if Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Plaintiff the records and documents relating to Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or sale of Counterfeit Products. Therefore Plaintiff has good cause to be granted expedited discovery.

ORDER

Based on the foregoing findings of fact and conclusions of law, Plaintiff's Application is hereby **GRANTED** as follows:

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendants are hereby ^{ten (10)} restrained and enjoined from engaging in any of the following acts or omissions for ~~fourteen~~ ⁽¹⁴⁾ days from the date of this order, and for such further period as may be provided by order of the Court:

- 1) manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products, or any other products bearing the Socket Shelf Works and/or Socket Shelf Mark and/or marks and/or artwork that are confusingly and/or substantially similar to, identical to and constitute a counterfeiting or infringement of the Socket Shelf Works and/or Socket Shelf Mark;
- 2) directly or indirectly infringing in any manner Plaintiff's Socket Shelf Works and/or Socket Shelf Mark;

- 3) using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Socket Shelf Works and Socket Shelf Mark, to identify any goods or service not authorized by Plaintiff;
- 4) using Plaintiff's Socket Shelf Works and/or Socket Shelf Mark and/or any other marks that are confusingly similar to the Socket Shelf Marks and/or any other artwork that is substantially similar to the Socket Shelf Works, on or in connection with Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, offering for sale, selling and/or otherwise dealing in Counterfeit Products;
- 5) using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants and Defendants' commercial activities and Plaintiff;
- 6) secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Counterfeit Products and/or (ii) any computer files, data, business records, documents or any other records or evidence relating to their User Accounts, Merchant Storefronts or Defendants' Assets and the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products;
- 7) effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Account, Merchant Storefront or any other means of importation, exportation, advertising, marketing, promotion, distribution,

display, offering for sale and/or sale of Counterfeit Products for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order; and

- 8) knowingly instructing any other person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(7) above and I(B)(1) through I(B)(2) and I(C)(1) below.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the Third Party Service Providers and Financial Institutions are hereby restrained and enjoined from engaging in any of the following acts or omissions for ~~fourteen (14)~~ **ten (10)** days from the date of this order, and for such further period as may be provided by order of this Court:

- 1) secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying Defendants' Assets from or to Defendants' Financial Accounts until further ordered by this Court;
- 2) secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with any computer files, data, business records, documents or any other records or evidence relating to Defendants' Assets and Defendants' Financial Accounts; and
- 3) knowingly instructing, aiding or abetting any person or business entity in engaging in any of the activities referred to in subparagraphs I(A)(1) through I(A)(7) and I(B)(1) through I(B)(2) above and I(C)(1) below.

C. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the Third Party Service Providers are hereby restrained and enjoined from engaging in any of the following acts or omissions for ~~fourteen (14)~~ **ten (10)** days from the date of this order, and for such further period as may be provided by order of this Court:

- 1) within five (5) days after receipt of service of this Order, providing services to Defendants, Defendants' User Accounts and Defendants' Merchant Storefronts, including, without

limitation, continued operation of Defendants' User Accounts and Merchant Storefronts;
and

- 2) knowingly instructing, aiding, or abetting any other person or business entity in engaging in any of the activities referred to in subparagraphs I(A)(1) through I(A)(4), I(B)(1) through I(B)(2) and I(C)(1) above.

**II. Order to Show Cause Why A Preliminary Injunction
Should Not Issue And Order Of Notice**

Judge Nathan's courtroom

A. Defendants are hereby ORDERED to show cause before this Court in Courtroom _____ of the United States District Court for the Southern District of New York at ~~500 Pearl Street~~/40 Foley Square, New York, New York on Monday, October 19, 2020 at 10 AM ~~11 AM~~ or at such other time that this Court deems appropriate, why a preliminary injunction, pursuant to Fed. R. Civ. P. 65(a), should not issue.

B. IT IS FURTHER ORDERED that opposing papers, if any, shall be filed electronically with the Court and served on Plaintiff's counsel by delivering copies thereof to the office of Epstein Drangel LLP at 60 East 42nd Street, Suite 2520, New York, NY 10165, Attn: Jason M. Drangel on or before Thursday, October 15, 2020 @ 5PM. Plaintiff shall file any Reply papers on or before Monday, October 19, 2020.

C. IT IS FURTHER ORDERED that Defendants are hereby given notice that failure to appear at the show cause hearing scheduled in **Paragraph II(A)** above may result in the imposition of a preliminary injunction against them pursuant to Fed. R. Civ. P. 65, which may take effect immediately upon the expiration of this Order, and may extend throughout the length of the litigation under the same terms and conditions set forth in this Order.

III. Asset Restraining Order

A. IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P. 64 and 65 and N.Y. C.P.L.R. 6201 and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, as sufficient cause has been shown, that within five (5) days

of receipt of service of this Order, the Financial Institutions shall locate and attach Defendants' Financial Accounts and shall provide written confirmation of such attachment to Plaintiff's counsel.

IV. Order Authorizing Bifurcated and Alternative Service by Electronic Means

A. IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P. 4(f)(3), as sufficient cause has been shown, that service may be made on, and shall be deemed effective as to Defendants if it is completed by the following means:

- 1) delivery of: (i) PDF copies of this Order together with the Summons and Complaint, or (ii) a link to a secure website (including NutStore, a large mail link created through Rmail.com and via website publication through a specific page dedicated to this Lawsuit accessible through ipcounselorslawsuit.com) where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order to Defendants' e-mail addresses to be determined after having been identified in **Schedule A** or may otherwise be determined; or
- 2) delivery of a message to Defendants through the same means that Plaintiff's agents have previously communicated with Defendants, namely the system for communications established by the Third Party Service Providers on their respective platforms, notifying Defendants that an action has been filed against them in this Court and providing a link to a secure website (such as NutStore or a large mail link created through Rmail.com) where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order.

- B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be deemed effective as to Defendants, Third Party Service Providers and Financial Institutions through the pendency of this action.
- C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be made within five (5) days of the Financial Institutions and Third Party Service Providers' compliance with **Paragraphs III(A)** and **V(C)** of this Order.
- D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that the Clerk of the Court shall issue a single original summons directed to all Defendants as listed in an attachment to the summons that will apply to all Defendants.
- E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that service may be made and shall be deemed effective as to the following if it is completed by the below means:
- 1) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PayPal Inc. will be able to download a PDF copy of this Order via electronic mail to EE Omaha Legal Specialist at EEOMALegalSpecialist@paypal.com;
 - 2) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where AliPay.com Co., Ltd., Ant Financial Services will be able to download a PDF copy of this Order via electronic mail Mr. Di Zhang, Member of the Legal & Compliance Department – IP, at di.zd@alipay.com;
 - 3) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Alibaba will be able to download a PDF copy of this Order via electronic mail to Ms. Rachel Wang, Legal Counsel, Alibaba Group at rachel.wy@alibaba-inc.com and Ms. Yujuan He, Paralegal, Alibaba Group at chloe.he@alibaba-inc.com;
 - 4) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Payoneer Inc. will be able to download a PDF copy of this Order via electronic mail to Payoneer

Inc.'s Customer Service Management at customerservicemanager@payoneer.com and Edward Tulin, counsel for Payoneer Inc., at Edward.Tulin@skadden.com; and

- 5) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PingPong Global Solutions Inc. will be able to download a PDF copy of this Order via electronic mail to Zeng Ni of PingPong Global Solutions Inc.'s Legal Department legal@pingpongx.com.

V. Order Authorizing Expedited Discovery

A. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:
ten (10) days

- 1) Within ~~fourteen (14) days~~ after receiving service of this Order, each Defendant shall serve upon Plaintiff's counsel a written report under oath providing:
- a. their true name and physical address;
 - b. the name and location and URL of any and all websites that Defendants own and/or operate and the name, location, account numbers and URL for any and all User Accounts and Merchant Storefronts on any Third Party Service Provider platform that Defendants own and/or operate;
 - c. the complete sales records for any and all sales of Counterfeit Products, including but not limited to number of units sold, the price per unit, total gross revenues received (in U.S. dollars) and the dates thereof;
 - d. the account details for any and all of Defendants' Financial Accounts, including, but not limited to, the account numbers and current account balances; and
 - e. the steps taken by each Defendant, or other person served to comply with **Section I**, above.
- 2) Plaintiff may serve interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as Local Civil Rule 33.3 of the Local Rules for the Southern and Eastern Districts of New York and Defendants who are served with this Order shall provide

written responses under oath to such interrogatories within ~~fourteen (14)~~ ^{ten (10)} days of service to Plaintiff's counsel.

- 3) Plaintiff may serve requests for the production of documents pursuant to Fed. R. Civ. P. 26 and 34, and Defendants who are served with this Order and the requests for the production of documents shall produce all documents responsive to such requests within ~~fourteen (14)~~ ^{ten (10)} days of service to Plaintiff's counsel.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order the Financial Institutions shall identify any and all of Defendants' Financial Accounts, and provide Plaintiff's counsel with a summary report containing account details for any and all such accounts, which shall include, at a minimum, identifying information for Defendants, including contact information for Defendants (including, but not limited to, mailing addresses and e-mail addresses), account numbers and account balances for any and all of Defendants' Financial Accounts and confirmation of said compliance with this Order.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Third Party Service Providers shall identify any and all of Defendants' User Accounts and Merchant Storefronts, and provide Plaintiff's counsel with a summary report containing account details for any and all User Accounts and Merchant Storefronts, which shall include, at a minimum, identifying information for Defendants and Defendants' User Accounts and Defendants' Merchant Storefronts, contact information for Defendants (including, but not limited to, mailing addresses and e-mail addresses) and confirmation of said compliance with this Order.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within ~~fourteen (14)~~ ^{ten (10)} days of receiving actual notice of this Order, all Financial Institutions who are served with this Order shall provide Plaintiff's counsel all

documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to any and all of Defendants' Financial Accounts, including, but not limited to, documents and records relating to:

- a. account numbers;
- b. current account balances;
- c. any and all identifying information for Defendants, Defendants' User Accounts and Defendants' Merchant Storefronts, including, but not limited to, names, addresses and contact information;
- d. any and all account opening documents and records, including, but not limited to, account applications, signature cards, identification documents and if a business entity, any and all business documents provided for the opening of each and every of Defendants' Financial Accounts;
- e. any and all deposits and withdrawals during the previous year from each and every one of Defendants' Financial Accounts and any and all supporting documentation, including, but not limited to, deposit slips, withdrawal slips, cancelled checks and account statements; and
- f. any and all wire transfers into each and every one of Defendants' Financial Accounts during the previous year, including, but not limited to, documents sufficient to show the identity of the destination of the transferred funds, the identity of the beneficiary's bank and the beneficiary's account number.

E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) ^{ten (10)} Within ~~fourteen (14)~~ days of receipt of service of this Order, the Third Party Service Providers shall provide to Plaintiff's counsel all documents and records in its possession, custody or control (whether located in the U.S. or abroad) relating to

Defendants' User Accounts and Defendants' Merchant Storefronts, including, but not limited to, documents and records relating to:

- a. any and all User Accounts and Defendants' Merchant Storefronts and account details, including, without limitation, identifying information and account numbers for any and all User Accounts and Defendants' Merchant Storefronts that Defendants have ever had and/or currently maintain with the Third Party Service Providers that were not previously provided pursuant to Paragraph V(C);
- b. the identities, location and contact information, including any and all e-mail addresses of Defendants that were not previously provided pursuant to Paragraph V(C);
- c. the nature of Defendants' businesses and operations, methods of payment, methods for accepting payment and any and all financial information, including, but not limited to, information associated with Defendants' User Accounts and Defendants' Merchant Storefronts, a full accounting of Defendants' sales history and listing history under such accounts and Defendants' Financial Accounts with any and all Financial Institutions associated with Defendants' User Accounts and Defendants' Merchant Storefronts; and
- d. Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling of Counterfeit Products, or any other products bearing the Socket Shelf Mark and/or Socket Shelf Works and/or marks and/or artwork that are confusingly and/or substantially similar to, identical to and constitute an infringement of the Socket Shelf Mark and/or Socket Shelf Works.

VI. Security Bond

A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of One Hundred Thousand Dollars (\$100,000) with the Court which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder.

VII. Sealing Order

A. IT IS FURTHER ORDERED that Plaintiff's Complaint and exhibits attached thereto, and Plaintiff's *ex parte* Application and the Declarations of Jennifer De Marco and Danielle S. Yamali in support thereof and exhibits attached thereto and this Order shall remain sealed until the Financial Institutions and Third Party Service Providers comply with **Paragraphs I(B)-(C), III(A) and V(C)** of this Order.

SO ORDERED.

SIGNED this 9 day of October, 2020, at 1 PM in



PART I

UNITED STATES DISTRICT JUDGE

SCHEDULE A

No.	Defendant	Infringing Listing	Merchant Storefront
1	*Warm Your House* Store	https://www.aliexpress.com/item/4001050591351.html	https://www.aliexpress.com/store/4380069
2	AA MARKET Store	https://www.aliexpress.com/item/1005001393184241.html	https://www.aliexpress.com/store/900248261
3	AB35 Store	https://www.aliexpress.com/item/4001264094729.html	https://www.aliexpress.com/store/5882817
4	AJ29 Store	https://www.aliexpress.com/item/4000964704810.html	https://www.aliexpress.com/store/5782181
5	ALHOMESGLODCISTERN Store	https://www.aliexpress.com/item/4000336936062.html	https://www.aliexpress.com/store/2628006
6	Attraction For You Store	https://www.aliexpress.com/item/4000335553685.html	https://www.aliexpress.com/store/3099024
7	Balmy Wind Store	https://www.aliexpress.com/item/4000402313126.html	https://www.aliexpress.com/store/4567040
8	BestHomeFurniture Store	https://www.aliexpress.com/item/1005001393117155.html	https://www.aliexpress.com/store/5891269
9	Betterhouse Store	https://www.aliexpress.com/item/4000439748366.html	https://www.aliexpress.com/store/5364054
10	BTMETER Official Store	https://www.aliexpress.com/item/4000970761777.html	https://www.aliexpress.com/store/4428203
11	CCCMart Store	https://www.aliexpress.com/item/4000529159208.html	https://www.aliexpress.com/store/4307019
12	Characteristic Life Store	https://www.aliexpress.com/item/1005001408052988.html	https://www.aliexpress.com/store/3198065
13	CharlotteT's Store	https://www.aliexpress.com/item/1005001349866019.html	https://www.aliexpress.com/store/5055243
14	City of Daily Necessities Store	https://www.aliexpress.com/item/1005001345249043.html	https://www.aliexpress.com/store/5488075
15	CO Tech Store	https://www.aliexpress.com/item/4000552533477.html	https://www.aliexpress.com/store/2609005
16	Computer Office Oversea Store	https://www.aliexpress.com/item/1005001407841762.html	https://www.aliexpress.com/store/4307019
17	Convenient 666 Store	https://www.aliexpress.com/item/4001293834597.html	https://www.aliexpress.com/store/900238284
18	Daily Comfort Living Store	https://www.aliexpress.com/item/1005001290295399.html	https://www.aliexpress.com/store/5706050
19	Dongguan Blue Shark Technology Co., Limited	https://www.alibaba.com/product-detail/Removable-Socket-Shelf-Deluxe-8-Port_62021319466.html	https://cnblueshark.en.alibaba.com/
20	DropShipping To Whole World Store	https://www.aliexpress.com/item/4000302327454.html	https://www.aliexpress.com/store/5050196
21	Dry Houseware Store	https://www.aliexpress.com/item/4000969768820.html	https://www.aliexpress.com/store/4053052
22	e2shopping Store	https://www.aliexpress.com/item/4001039403350.html	https://www.aliexpress.com/store/1611023
23	Embellish New Life Store	https://www.aliexpress.com/item/4001039148582.html	https://www.aliexpress.com/store/5379055
24	FANHUI Store	https://www.aliexpress.com/item/4000194851570.html	https://www.aliexpress.com/store/4186017
25	For good things Store	https://www.aliexpress.com/item/1005001405255346.html	https://www.aliexpress.com/store/910455057
26	For Your B-etter Life Store	https://www.aliexpress.com/item/1005001484693057.html	https://www.aliexpress.com/store/2965056
27	ForeWan DiyCraft Store	https://www.aliexpress.com/item/4000395805767.html	https://www.aliexpress.com/store/5046203
28	Funny Gifts Store	https://www.aliexpress.com/item/4000370891338.html	https://www.aliexpress.com/store/1964242
29	Gardon store Store	https://www.aliexpress.com/item/4001060990231.html	https://www.aliexpress.com/store/3363028
30	Global 3C Tech Store	https://www.aliexpress.com/item/4000192436268.html	https://www.aliexpress.com/store/1982495
31	Global Professional Tool Store	https://www.aliexpress.com/item/4001028097947.html	https://www.aliexpress.com/store/5533005
32	Good Lifestyle Store	https://www.aliexpress.com/item/4000370851856.html	https://www.aliexpress.com/store/2496049
33	Hangzhou Jukings Tech Co., LTD.	https://www.alibaba.com/product-detail/socket-shelf-8-port-surge-protector_1700001932161.html	https://jukings.en.alibaba.com/
34	High Grade 3CMart Store	https://www.aliexpress.com/item/4000994910990.html	https://www.aliexpress.com/store/5438052
35	HomeService Store	https://www.aliexpress.com/item/4000401850363.html	https://www.aliexpress.com/store/4503074
36	HOMO dropship Store	https://www.aliexpress.com/item/4000153726209.html	https://www.aliexpress.com/store/5008322
37	House Goodhand Store	https://www.aliexpress.com/item/4000381610343.html	https://www.aliexpress.com/store/5398047
38	HouseholdTools groceries Store	https://www.aliexpress.com/item/1005001474771656.html	https://www.aliexpress.com/store/5871250
39	HUIYU Factory Store	https://www.aliexpress.com/item/4000243905820.html	https://www.aliexpress.com/store/1959954
40	i found you Store	https://www.aliexpress.com/item/4001042512751.html	https://www.aliexpress.com/store/5247109
41	Infinite Voice Store	https://www.aliexpress.com/item/4000828766577.html	https://www.aliexpress.com/store/5721050
42	Instrument Tech Store	https://www.aliexpress.com/item/4000317985416.html	https://www.aliexpress.com/store/3095050
43	JA jlakdfaliyun Store	https://www.aliexpress.com/item/4001057734679.html	https://www.aliexpress.com/store/5054215
44	Jiande Hunlee Electrical Appliance Co., Ltd.	https://www.alibaba.com/product-detail/6-AC-outlet-wall-mounted-socket_62283247607.html	https://hlsocket.en.alibaba.com/
45	kalaxhome Store	https://www.aliexpress.com/item/4001062134323.html	https://www.aliexpress.com/store/2978029
46	K-e-y to your h-e-a-r-te Store	https://www.aliexpress.com/item/1005001429845546.html	https://www.aliexpress.com/store/3081035
47	La Favorita Flagship Store	https://www.aliexpress.com/item/400068825442.html	https://www.aliexpress.com/store/1819084
48	LBFamily Store	https://www.aliexpress.com/item/4001041826633.html	https://www.aliexpress.com/store/4389049
49	Linhai Zhongqi Opto-Electrical Technology Co., Ltd.	https://www.alibaba.com/product-detail/Switch-Socket-Rack-Socket-Shelf-6_62350539103.html	https://lhqz.en.alibaba.com/
50	Little expert Store	https://www.aliexpress.com/item/1005001419193674.html	https://www.aliexpress.com/store/910328058
51	Lovelypuppy Store	https://www.aliexpress.com/item/4000688788813.html	https://www.aliexpress.com/store/3096039

52	Lucky House Store	https://www.aliexpress.com/item/4001038970845.html	https://www.aliexpress.com/store/5571159
53	LumiParty Factory Store	https://www.aliexpress.com/item/4000761394743.html	https://www.aliexpress.com/store/2129113
54	LumiParty Official Store	https://www.aliexpress.com/item/4000691074605.html	https://www.aliexpress.com/store/2179101
55	Magician 3c Store	https://www.aliexpress.com/item/4000760903798.html	https://www.aliexpress.com/store/5035026
56	May Records Store	https://www.aliexpress.com/item/4000437844567.html	https://www.aliexpress.com/store/1722239
57	Moonlight Dropshipping Store	https://www.aliexpress.com/item/4000833872609.html	https://www.aliexpress.com/store/1332825
58	MYRIANN Official Store	https://www.aliexpress.com/item/4000234412264.html	https://www.aliexpress.com/store/3114051
59	No. 19 Mask Store	https://www.aliexpress.com/item/4001069837622.html	https://www.aliexpress.com/store/5672005
60	OneTree Store	https://www.aliexpress.com/item/1005001407745818.html	https://www.aliexpress.com/store/3220111
61	Professional Tool Center Store	https://www.aliexpress.com/item/4000270214863.html	https://www.aliexpress.com/store/3108066
62	Romantic All House Store	https://www.aliexpress.com/item/4000271454741.html	https://www.aliexpress.com/store/5003134
63	Romantic full in Home	https://www.aliexpress.com/item/4000196544519.html	https://www.aliexpress.com/store/1361474
64	Safe Life Store	https://www.aliexpress.com/item/4000123749018.html	https://www.aliexpress.com/store/4047065
65	Security Protect Online Store	https://www.aliexpress.com/item/1005001407805763.html	https://www.aliexpress.com/store/3874080
66	Shanmammy dropship Store	https://www.aliexpress.com/item/4000172726435.html	https://www.aliexpress.com/store/5071463
67	Shenzhen Clicks Technology Co., Ltd.	https://www.alibaba.com/product-detail/Switch-Socket-Rack-Socket-Shelf-6_62506226449.html	https://clicks.en.alibaba.com/
68	Shop1266133 Store	https://www.aliexpress.com/item/4000395830684.html	https://www.aliexpress.com/store/1266133
69	Shop4917095 Store	https://www.aliexpress.com/item/4001326224294.html	https://www.aliexpress.com/store/4917095
70	Shop5250048 Store	https://www.aliexpress.com/item/4000318072976.html	https://www.aliexpress.com/store/5250048
71	Shop5440035 Store	https://www.aliexpress.com/item/4000312323897.html	https://www.aliexpress.com/store/5440035
72	Shop5522046 Store	https://www.aliexpress.com/item/4001111722735.html	https://www.aliexpress.com/store/5522046
73	Shop5788919 Store	https://www.aliexpress.com/item/1005001376033866.html	https://www.aliexpress.com/store/5788919
74	Shop910453068 Store	https://www.aliexpress.com/item/1005001405445222.html	https://www.aliexpress.com/store/910453068
75	Six Stars Products Store	https://www.aliexpress.com/item/4000444804638.html	https://www.aliexpress.com/store/5033035
76	Smartlives Store	https://www.aliexpress.com/item/1005001405333295.html	https://www.aliexpress.com/store/3626080
77	SNEVVIE LED Lighting Your Life Store	https://www.aliexpress.com/item/4001039247791.html	https://www.aliexpress.com/store/5131052
78	Surprise Life Store	https://www.aliexpress.com/item/4000370001483.html	https://www.aliexpress.com/store/2675171
79	Swovo DIYCraft Store	https://www.aliexpress.com/item/4000391560090.html	https://www.aliexpress.com/store/1292266
80	Szwy Households Store	https://www.aliexpress.com/item/1005001452468252.html	https://www.aliexpress.com/store/900239417
81	Tools Direct Store	https://www.aliexpress.com/item/4000275447806.html	https://www.aliexpress.com/store/4498046
82	Top1 Phone Store	https://www.aliexpress.com/item/1005001407765744.html	https://www.aliexpress.com/store/3207066
83	Topleo Store	https://www.aliexpress.com/item/4000371055064.html	https://www.aliexpress.com/store/4022009
84	trendy casual clothings Store	https://www.aliexpress.com/item/1005001377035040.html	https://www.aliexpress.com/store/5236011
85	TT Pink Life Store	https://www.aliexpress.com/item/4000617723067.html	https://www.aliexpress.com/store/4501005
86	TTMart Store	https://www.aliexpress.com/item/4000438924084.html	https://www.aliexpress.com/store/5014014
87	Welcome Oversea Store	https://www.aliexpress.com/item/4000321498489.html	https://www.aliexpress.com/store/4760008
88	Worth Watching Store	https://www.aliexpress.com/item/4000553331124.html	https://www.aliexpress.com/store/3263008
89	YIDIAN OF GRASS Store	https://www.aliexpress.com/item/4000987669891.html	https://www.aliexpress.com/store/3684093
90	YOCOMLY 511511 Store	https://www.aliexpress.com/item/4000498866898.html	https://www.aliexpress.com/store/511511
91	Your Daily 3CMart Store	https://www.aliexpress.com/item/4001261339485.html	https://www.aliexpress.com/store/5678012
92	Your Happiness House Store	https://www.aliexpress.com/item/4001043017883.html	https://www.aliexpress.com/store/5486231
93	YOYOHOME Store	https://www.aliexpress.com/item/4000269949875.html	https://www.aliexpress.com/store/5020075